

FIRST REGULAR SESSION

# SENATE BILL NO. 115

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRAY.

Pre-filed December 8, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

0645S.011

## AN ACT

To repeal sections 116.080 and 116.090, RSMo, and to enact in lieu thereof three new sections relating to initiative and referendum petitions, with penalty provisions.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 116.080 and 116.090, RSMo, are repealed and three  
2 new sections enacted in lieu thereof, to be known as sections 116.075, 116.080,  
3 and 116.090, to read as follows:

**116.075. No person or organization shall compensate or offer to  
2 compensate any person, nor shall any person or organization receive  
3 compensation or agree to receive compensation, for collecting  
4 signatures on an initiative or referendum petition if such compensation  
5 is based on the number of signatures obtained. Nothing in this section  
6 shall prohibit compensation for collection of signatures on an initiative  
7 or referendum petition that is not based on the number of signatures  
8 obtained.**

**116.080. 1. Each petition circulator shall be at least eighteen years of  
2 age, a resident of Missouri, and registered with the secretary of state. No  
3 person shall qualify as a petition circulator who has been convicted of,  
4 or found guilty of, or pled guilty to an offense involving forgery under  
5 the laws of this state, or an offense under the laws of any other  
6 jurisdiction if that offense would be considered forgery under the laws  
7 of this state. Signatures collected by any circulator who has not registered with  
8 the secretary of state pursuant to this chapter on or before 5:00 p.m. on the final  
9 day for filing petitions with the secretary of state shall not be counted.**

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

10           2. Each petition circulator shall supply the following information to the  
11 secretary of state's office:

12           (1) Name of petition;

13           (2) Name of circulator;

14           (3) Residential address, including street number, city, state and zip code;

15           (4) Mailing address, if different;

16           (5) Have you been or do you expect to be paid for soliciting signatures for  
17 this petition?

18                           ☐ YES                           ☐ NO;

19           (6) If the answer to subdivision (5) is yes, then identify the payor;

20           (7) Signature of circulator.

21           3. The circulator information required in subsection 2 of this section shall  
22 be submitted to the secretary of state's office with the following oath and  
23 affirmation:

24           I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT  
25 ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT, **THAT I HAVE**  
26 **NEVER BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED GUILTY**  
27 **TO ANY OFFENSE INVOLVING FORGERY AND THAT I HAVE NOT AND**  
28 **WILL NOT ACCEPT COMPENSATION FOR COLLECTING SIGNATURES**  
29 **BASED ON THE NUMBER OF SIGNATURES I OBTAIN.**

30           4. Each petition circulator shall subscribe and swear to the proper  
31 affidavit on each petition page such circulator submits before a notary public  
32 commissioned in Missouri. When notarizing a circulator's signature, a notary  
33 public shall sign his or her official signature and affix his or her official seal to  
34 the affidavit only if the circulator personally appears before the notary and  
35 subscribes and swears to the affidavit in his or her presence.

36           5. Any circulator who falsely swears to a circulator's affidavit knowing it  
37 to be false is guilty of a class A misdemeanor punishable, notwithstanding the  
38 provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment  
39 not to exceed one year in the county jail or a fine not to exceed ten thousand  
40 dollars or both.

          116.090. 1. Any person who **knowingly** signs any name other than his  
2 own to any petition[, or] **shall, upon conviction thereof, be guilty of a class**  
3 **one election offense, as defined in section 115.631, RSMo.**

4           **2. Any person** who knowingly signs his or her name more than once for  
5 the same measure for the same election, or who knows he or she is not at the

6 time of signing or circulating the same a Missouri registered voter and a resident  
7 of this state, shall, upon conviction thereof, be guilty of a class A misdemeanor  
8 punishable, notwithstanding the provisions of section [560.021] **560.016**, RSMo,  
9 to the contrary, for a term of imprisonment not to exceed one year in the county  
10 jail or a fine not to exceed ten thousand dollars or both.

11 [2.] **3.** Any person who knowingly accepts or offers money or anything of  
12 value to another person in exchange for a signature on a petition is guilty of a  
13 class A misdemeanor punishable, notwithstanding the provisions of section  
14 [560.021] **560.016**, RSMo, to the contrary, for a term of imprisonment not to  
15 exceed one year in the county jail or a fine not to exceed ten thousand dollars or  
16 both.

✓

Bill

Copy